

Deer Creek Villages Owners Association

PO Box 1142
Cedaredge, CO 81413

BOARD OF DIRECTORS REGULAR MEETING - MINUTES

MEETING HELD AT 855 SE STONEBRIDGE DRIVE

April 20, 2022 AT 9 am

1. Call to Order at 9:05am by Kelly Cowan (President) – In attendance:
 - a. Board of Directors (BOD) Kelly Cowan, Sharon Coquillet, Linda Scott, Lisa Joss, Tate Locke
 - b. Design Review Committee- Tara FitzGerald, Kristen Kissner
 - c. Advisory Committee: Matthew Furubotten
 - d. Community Association Manager (CAM) - Mary Gotchey
 - e. Owners- Doug Flemmer, Karen Locke, Stan & Kristy Adams, Rick Brode, Larry & Sherry Brown, Jerry Pflipson, Mark & Tina Palumbo, Jeff Wise, Barb Klein, Joe Hoffart, Janice Jones, Greg and Patty Hart, Jeff Moore, Norma Miller, Terry Lawrance
2. Mr. Cowan discussed the rules of order for the meeting according to Policy 4.
3. Owner Education- Ms. Gotchey gave a brief presentation on the role of Management. (See Attached)
4. Minutes from the March 15, 2022, Board of Directors regular meeting were reviewed. On a motion made by Mr. Locke and seconded by Ms. Scott, the board voted unanimously to approve the minutes as written. Minutes from the April 1, 2022, Board of Directors special meeting were reviewed. On a motion made by Mr. Locke and seconded by Ms. Joss, the board voted unanimously to approve the minutes as written.
5. Financial Statements –Ms. Scott asked to table the financials this month so we can review the PayHOA accounting system and ensure it is working correctly. On a motion made by Ms. Scott and seconded by Ms. Joss, the board voted unanimously to table the financial statements.
6. CAM update
 - a. General Updates
 - b. Pay HOA- The software sent out numerous email statements to each owner within a matter of days. PayHOA has resolved the issue.
 - c. Reserve Study - Association Reserves will conduct the onsite portion of the reserve study on April 26, 2022.
 - d. RV Lot Update-
 - i. S&E Ward's sprayed, re-leveled and regraveled the RV lot on April 15, 2022. All owners removed their vehicles for the project to be completed.
 - ii. There are currently three spaces available.
 - e. Weed/Tree Removal
 - i. Weed inspections will start on May 1st. The new landscaping guidelines are located at dcvoa.com. Owners can apply for a maintenance buffer zone that allows natural habitat for certain properties. Information on the maintenance buffer zone can be found in the design review guidelines. The Maintenance buffer zone request form will be available before the weed inspections begin. If an owner would like more information or to make a request, please contact Ms. Gotchey or the Design Review Committee. Owners should contact Ms. Gotchey if they are using a preferred mower.

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- ii. Rick Harner will help Ms. Gotchey with the inspection of dead, diseased and dying trees. Owners will be notified of any problem trees on their property and given time to remedy the situation.

f. Transfer of Ownership

3/18/2022	1025 FW	VL-DCV New Beginnings	Mausbach
3/18/2022	800 Pine	IL-DCV Davis	Johnstun
3/21/2022	835 Pinyon	VL-DCV Sullivan	Szanto
3/21/2022	700 Pine	VL-DCV Piacentino	Blackburn
4/8/2022	760 Pinyon	VL-DCV Maheras	Serenity Homes

7. Design Review Committee

a. Current

i. Architectural

1. **550 Pine (Brown/Casa Bella) New House Plans** -On a motion made by Ms. Coquillette and seconded by Ms. Joss, the board voted unanimously to approve the new house plans.
2. 545 SB (Palumbo) New House Plans -The DRC is waiting for the soils test results so submission can be complete. Ms. Palumbo asked if the BOD would do a conditional approval. The BOD stated they could call a special meeting before the next regular meeting if they have their soil test results.
3. 305 SSC (New Beginnings) Change Order- The builder submitted a change order because the stone that had been approved is unavailable. The DRC approved the change order after reviewing the new stone color.
4. 325 SSC (New Beginnings) Change Order-The builder submitted a change order because they received the incorrect windows. Instead of one window they want to use three windows on the side of the garage. The DRC asked the BOD to make a decision on the change order because none of the committee members were on the DRC at the time of the plan approval. On a motion made by Ms. Joss and seconded by Ms. Coquillette, the board voted unanimously to approve the change order.

ii. Landscaping

1. 625 Spruce (Paison) Landscaping Update -The DRC has approved the update to the landscaping.
2. 1450 SB (Fenske) Landscaping Fence - The DRC has approved the landscaping fence.
3. 1005 FW (Strain) Landscaping update- The DRC has approved the updated landscaping to the front yard.

iii. Other

1. 1025 FW (New Beginnings) Patio and Driveway - The DRC has approved the patio and driveway extension.
2. 1005 FW (Strain) Solar Panels - The DRC has approved the solar panel request

- iv. Approved and in Process- The following addresses have been approved and are in the process of being completed.

1. Landscaping- 300 SSC, 600 SB, 640 SB, 810 Pine
2. Architectural -680 SB, 610 Pinyon, 1025 FW, 305 SSC, 325 SSC, 700 SB, 820 Pine, 755 Pine, 810 Pinyon, 1150 FW, 535 SB, 300 LSC, 335 FSC, 1480 SB, 1555 SB

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3. Other -1555 SB (Collins) Solar Panels- The DRC misspoke at the March meeting about the panels being installed. The owner is currently waiting for them to be installed.
- v. General Update
 1. New Checklist- The new design review checklist is in the final stages of completion.
 2. Ms. FitzGerald would like to see the builders mark off their property with string so measurements can be taken easily. Mr. Furobotten suggested listing the requirement on the Design Guidelines.
 3. 700 SB (JDC Real Estate/Pathways Construction)- Concrete was poured before the DRC could measure the setbacks. Ms. Gotchey sent a violation letter to the owner. The measurements are off by an inch. Mr. Furubotten spoke with the subcontractor and the stem wall will be moved over by an inch.

Old Business

- b. Drainage Issue - The issue will be tabled at this time and revisited when more information is available.
 - c. Short Term Rentals
 - i. Ms. Joss gave a presentation about short term rentals in our community. (Handout attached)
 1. Ms. Joss suggested the BOD send out a survey to all owners as well as form a committee. The committee shall be set up if necessary after results of the survey are known.
 - ii. Violations
 1. 1025 FW (New Beginnings) Mr. Lawrence asked the Board to remove the fine for noise because once he was aware of the problem he had the music turned off. Jeff Moore is now their on-site manager and will be on top of all problems in the future. The Board tabled the request until the next meeting.
8. New Business
- a. Violations
 - i. 1505 SB (Brode) 1st Violation unapproved fence - Mr. Brode asked for the violation to be removed because it is a fence for plants. On a motion made by Mr. Locke and seconded by Ms. Joss, the board voted unanimously to rescind the violation.
 - ii. 1070 FW (Piacentino) 1st Violation Garage Door - A violation was sent for keeping the garage door open. Mr. Piacentino asked to speak to the Board after the meeting about the issue.
 - iii. 1110 FW (Locke) 1st Violation Parking - A violation was sent for parking on a graveled part of the property.
 - iv. 1555 SB (Collins) 1st Violation Parking - A violation was sent for parking on a graveled part of the property.
 - v. 300 LSC (Szanto/Casa Bella) 1st Violation Verification Process- A violation was sent for pouring concrete before the setbacks were measured.
 - b. Participating Builder
 - i. On a motion made by Ms. Coquillette and seconded by Ms. Joss, the board voted unanimously to add Parker-Parker Design Builds to the participating builder list.
 - c. DRC Guideline/Weekend Work- Mr. Locke would like to see changes to the DR Guidelines so contractors can work on Saturdays until 6pm and Sundays until 1pm. Ms. Joss suggested having a subcommittee created to work on changing the wording. (Refer to Design Guideline 6.1)

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- d. DRC Guideline/Privacy Fences - Mr. Locke and Mr. Furubotten will create a subcommittee to review privacy fencing rules. (Refer to Design Guideline 4.3 and CC&R's 8.8)
 - e. 620 Spruce (Wise) -Mr. Wise fixed his landscaping that was encroaching on 840 SE Pine Street.
9. Other Business
- a. Hutto Access on Pinyon - Mr. Piacentino will go to the Town of Cedaredge to see if there is a subdivision agreement. More research is needed to see if the access is for emergency use only.
10. Open Comments and Discussion from the Floor
- a. Mr. Wise asked the Board to clarify if privacy fences are allowed. He was informed that our governing documents allow for them.
 - b. Ms. Klein informed everyone at the meeting that the Delta County Library will have a presentation on tenants rights on April 23 from 11am-12:30pm.
 - c. Ms. FitzGerald spoke to the BOD about the positive side of short term rentals.
 - d. Mr. Wise spoke on the negative side of short term rentals.
11. Next Regular Meeting will be held on Wednesday May 18 at 9am located at 855 SE Stonebridge Drive.
12. **Adjournment** - On a motion made by Ms. Joss and seconded by Ms. Coquillette , the board voted unanimously to adjourn the meeting at 11:09am

Who Does What? Common HOA Management Duties Defined

Some of the most common questions we receive are from homeowners who are unclear about how the HOA management company fits into their HOA-governed community. It's understandable: HOA Management is full of industry jargon, mysterious acronyms, and documents with complicated names.

In this article, we'll provide a succinct, easy-to-understand outline of common HOA management duties, so you can get a clearer sense of how the management company relates to the HOA and board and how each contributes to the protection of your property values and enjoyment of your community.

Q: Is the management company part of my HOA board?

No. The management company is a third-party consultant service that is hired by a homeowners association to help support the operations of the HOA. Your management company is an outside business with expertise that carries out the instructions of your HOA board.

Q: Is the management company just another vendor for my HOA?

Though the property management company has been hired by the HOA to perform a supporting role, the management company/HOA board relationship is different than a standard vendor arrangement.

Traditional vendors generally work under a scope of work agreement, agreeing to perform specific services during a discreet time period. HOA management companies do more than work for an HOA; they act as an agent on behalf of the HOA. This means that management companies have a fiduciary duty to act in good faith and in the best interest of the homeowner's association.

The goal of every HOA management company is to help make your community the best possible place to live, and in doing so, protect property values for the long haul. The duties assigned to the property management company are not secret. They are always outlined in every HOA's governing documents. You are free to review them at any time.

Q: What are some of the operational duties that the management company performs?

Your management company acts as the “boots on the ground” for the day-to-day operation of your homeowner's association, which is a non-profit mutual benefit corporation. As part of the service contract, most HOA management companies provide the following important types of support:

- **Board meetings:** The management company facilitates and documents board meetings, including **drafting the agenda**, noticing the meeting, distributing the information packet to board members prior to the meeting, attending the meeting itself, taking minutes, providing advice at the meetings, disseminating minutes post-meeting, following up on action items, and acting as inspectors of election for the annual meeting, where requested.
- **Vendor management:** As an agent of the HOA, management companies not only solicit competing bids from vendors for maintenance and upgrades, they also act as the primary point of contact for vendors.
- **Community walk-throughs:** The HOA management company devotes time and attention to ensuring that the community looks as good as possible and all residents are doing their part to uphold the [rules & regulations](#) set forth by the association. This also includes noting any safety issues in common areas and subsequently bringing it to the board's attention.
- **Risk reduction:** As experts in HOA operations, management companies help the board mitigate risk by ensuring that the association's exposure to liability is as low as possible. This includes specifics like making sure that the HOA's insurance coverage is adequate and in force.
- **Business guidance:** Most reputable management companies have decades of experience providing advice to homeowners associations. Strong HOA boards use this expertise to their advantage by soliciting input from the management company before making their final decisions about issues that affect the association.

Q: What are some of the management company's accounting duties?

As fiduciaries for the association, the management company has a legal obligation to act in the best interest of the HOA. Some of the management company's duties are defined by state law; others are important financial duties that the HOA board simply does not have time to manage.

- **Dues collection:** Management companies are usually tasked with collecting [corporation dues](#) on behalf of the HOA. These monies are deposited directly into the HOA's account and are never paid directly to the management company.
- **Accounts payable:** The management company handles cutting checks to vendors and utilities. These transactions are always open and transparent and easily visible to the HOA board at any time.
- **Monthly fiscal statements:** Management companies compile and organize monthly financial statements for the HOA board, so all board members have a clear understanding of where the association's finances stand, including reserves and outstanding A/R and A/P.
- **Collections support:** Some management companies provide collection services including outstanding balance tracking, late notices, carrying out the delinquency policy set forth in the association's governing documents, delivering pre-lien notices, and sometimes appearing in small claims court on behalf of the association.

Most management companies do triple duty: they service the HOA board in their administrative and accounting needs, they are available as a resource for the membership, and they act as an agent on behalf of the association itself. This comprehensive scope of duties means that your property management company knows your community better than most of the membership—and even the members of the board itself. Take advantage of their unique position. Introduce yourself to your property manager, reach out with questions, and learn more about how this long list of duties is dedicated to helping your community prosper.

**Deer Creek Villages Owners Association (DCVOA)
Proposed Change to Section 6.8: Leasing and Occupancy
DCVOA Master Declarations**

Current Language in Section 6.8: Leasing and Occupancy

Any Owner shall have the right to lease or allow occupancy of a Property upon such terms and conditions as the Owner may deem advisable, subject to restrictions of this Declaration, subject to restriction of record and subject to Rules and Regulations adopted by the Association. Except as restricted in this Declaration, and such Rules and Regulations as the Association may promulgate, the right to lease or allow occupancy of a Property shall not be restricted.

Proposed Language for Section 6.8: Leasing and Occupancy

Any Owner shall have the right to lease or allow occupancy of a Property upon such terms and conditions as the Owner may deem advisable, subject to restrictions of this Declaration, subject to restriction of record, and subject to Rules and Regulations adopted by the Association. The right to lease or allow occupancy of a Property are restricted as follows:

Option #1: (example from Mr. Gower, HOA attorney)

- Entire property must be rented
- No leases for less than 6 months
- Specifically prohibits Airbnb's and VRBOs

Option #2: (The Bridges at Black Canyon)

- All or part (e.g., a bedroom) of property can be rented
- No leases for less than 6 months

Option #3: (Cobble Creek HOA in Montrose)

- Entire property must be rented
- No leases for less than 60 days

Option #4: (Valverdant Subdivision in Steamboat Springs)

- All or part of a property can be rented
- No leases for less than 30 days
- No leases for more than 3 times per year

Option #5: (Sorrento Heights HOA on Cedar Mesa)

- No leases for less than a year
- Defines "short-term" as "less than a year"
- Provides an exception for sellers/buyers of a property to temporarily lease back the property for no more than a year
- All lease agreements are subject to approval by the HOA Board

Option #6:

- Owner must be in residence on his/her property during any short-term rental period, which is defined as less than 30 days
- Owner shall lease no more than 50% of the number of bedrooms on the Property
- Lease shall restrict tenants to no more than 2 people per bedroom

REMAINING LANGUAGE OF 6.8: LEASING AND OCCUPANCY

Remaining subsections will address that leases must be in writing, the Association retains a copy of the lease with names and contact info for the tenants, and that the tenants will, as part of the lease agreement, receive and agree to abide by all DCVOA's governing documents.

Issues that may impact our community—

*Restrict number of vehicles?

*All or part of the property can be rented?

*Length of lease?

*Owner required to be in residence during lease?

*Prohibit outright Airbnb's and VRBOs?

*Restrict number of tenants at a time?

*Allow (or not) a separate access to the Property by tenants?

*HOW TO ENFORCE?